

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: BAIR HUGGER FORCED AIR
WARMING DEVICES PRODUCTS
LIABILITY LITIGATION

MDL No. 15-2666 (JNE/FLN)

**DECLARATION OF
BENJAMIN W. HULSE IN SUPPORT
OF DEFENDANTS' MOTION TO
DISMISS FOR FAILURE TO
COMPLY WITH PRETRIAL ORDER
NO. 14**

Under 28 U.S.C. § 1746, I, Benjamin W. Hulse, hereby declare as follows:

1. I am an attorney at the law firm of Blackwell Burke P.A., and one of the attorneys representing 3M Company ("3M") and Arizant Healthcare Inc. ("Arizant") (collectively "Defendants") in this litigation. I submit this declaration in support of Defendants' Motion to Dismiss for Failure to Comply with Pretrial Order No. 14. Unless otherwise stated, the facts set forth herein are based upon my personal knowledge, information, and belief.

2. Attached as Exhibit A are true and correct copies of my deficiency letters sent on the dates indicated to counsel for the Plaintiffs identified in Part B of "Defendants' Memorandum of Law in Support of Motion to Dismiss for Failure to Comply with Pretrial Order No. 14."

3. Attached as Exhibit B are true and correct copies of my third deficiency letters sent on the dates indicated to counsel for the Plaintiffs identified in Part C of "Defendants' Memorandum of Law in Support of Motion to Dismiss for Failure to Comply with Pretrial Order No. 14."

4. Attached as Exhibit C is a true and correct copy of my June 9, 2017 email to the Court with “Defendants’ PFS List 1: Overdue Plaintiff Fact Sheets,” “Defendants’ PFS List 2: Plaintiffs Who Have Not Responded to Defendants’ Deficiency Notices,” and “Defendants’ PFS List 3: Core Deficiencies Remained Following Notice and Response” attached to same.

5. Attached as Exhibit D is a true and correct copy of my July 14, 2017 email to the Court with “Defendants’ PFS List 1: Overdue Plaintiff Fact Sheets,” “Defendants’ PFS List 2: Plaintiffs Who Have Not Responded to Defendants’ Deficiency Notices,” and “Defendants’ PFS List 3: Core Deficiencies Remained Following Notice and Response” attached to same.

6. Attached as Exhibit E is a true and correct copy of my April 14, 2017 email to the Court with “Defendants’ PFS List 1: Overdue Plaintiff Fact Sheets,” “Defendants’ PFS List 2: Plaintiffs Who Have Not Responded to Defendants’ Deficiency Notices,” and “Defendants’ PFS List 3: Core Deficiencies Remained Following Notice and Response” attached to same.

7. Attached as Exhibit F are true and correct copies of letters I received from Daniel A. Nigh of Levin, Papantonio, Thomas, Mitchell, Rafferty & Proctor, P.A., dated February 8, 2017 and April 21, 2017, regarding Plaintiffs Brannon, Miller, Nadeau, Newcomb, Novak, and Pettersen.

8. I declare under penalty of perjury that the foregoing is true and correct.

Executed in Minneapolis, Minnesota, this 3rd day of August, 2017.

s/ Benjamin W. Hulse

Benjamin W. Hulse